REMARKS/ARGUMENTS

Claims 13-22 are currently pending in this application. By the present amendment, claims 13 and 21 have been amended, and new claim 22 has been added. No new matter has been added by the present amendment, as support thereof may be found in the present specification at, *inter alia*, page 5, line 14 - page 6, line 11; and page 4, lines 6-10. Specifically, claim 13 has been amended herein to more clearly recite the claimed invention by replacing the term "obtainable" with the term "obtained."

Reconsideration and allowance of the currently pending claims is respectfully requested in view of the foregoing amendments and the following remarks.

1. Claims 13-21 are rejected under 35 U.S.C. § 103(a), as allegedly being obvious.

Claims 13-21 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Codolar et al (US Patent No. 6,248,806) in view of Perichaud et al (US Patent No. 6,251,967), and Hashimoto et al (US Patent No. 5,520,910), as set forth on pages 2 and 3 of the Office Action dated February 12, 2009. For at least the following reasons, Applicants respectfully submit that these rejections should be withdrawn.

Applicants respectfully submit that the polymer present in the coating composition of the presently claimed invention comprises the salt of an *amine or phosphine*-functional group. The polymer in the claimed invention thus comprises a salt of a primary, secondary, and/or tertiary amine. In this regard, Applicants direct the Examiner's attention to the disclosure on page 5, lines 7-9, of the specification. This salt has the formula $[-NHR^3R^4]^+$ or $[-PHR^3R^4]^+$, as shown in claim 1 as originally filed. Thus, the amine or phosphine groups present on the polymer in the presently claimed invention have an N-H or P-H functionality. Such functionality is not present in a quaternary ammonium or phosphonium group.

In contrast to the presently claimed invention, Applicants submit that Codolar et al disclose antifouling paints that contain as biologically active agent an ammonium or phosphonium salt, *i.e.*, *quaternary ammonium or phosphonium* salts. Similarly, Perichaud et al and Hashimoto et al disclose polymers comprising *quaternary ammonium or phosphonium*

groups. However, quaternary ammonium ions are ammonium groups in which *each hydrogen* has been replaced by an alkyl or aryl group and thus have the formula NR_4^+ (R being an alkyl or aryl group). For the Examiner's convenience, Applicants refer back to the definitions of a "quaternary ammonium compound," as enclosed with the previous Reply filed on November 12, 2008. By analogy, quaternary phosphonium ions are phosphonium groups in which *each hydrogen* has been replaced by an alkyl or aryl group and thus have the formula PR_4^+.

Thus, Applicants submit that none of the cited documents disclose polymers comprising salts of amine- or phosphine-functional groups as in the presently claimed invention. Accordingly, the skilled artisan, upon reading the cited references, would not arrive at the claimed invention when considering the teachings in the cited references either alone or in combination.

Therefore, Applicants submit that in the absence of any hint in the cited reference or in the common general knowledge pointing towards the claimed invention it cannot possibly have been obvious to a person of ordinary skill in the art. Accordingly, Applicants submit that the claimed invention is non-obvious over Codolar et al in view of Perichaud et al and Hashimoto et al, and respectfully request withdrawal of the claim rejections under 35 U.S.C. § 103(a).

It is believed that pending claims 13-22 are now in condition for allowance, early notice of which would be appreciated. However, if any outstanding issues remain, the examiner is invited to telephone the undersigned at the telephone number indicated below to discuss the same.

Respectfully submitted,

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